

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

November 17, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, November 3, 2009, pp.7-11**
- IV. Budget Amendments – Yes, pp.12-18**
- V. New Business, pp.20-70**
- VI. Continuing Business / Presentations**
 - A. Special Planning Committee, pp.71-77**
 - B. Budget & Finance Committee, pp.78-82**
 - C. Services Committee, pp.83-84**
 - D. Lyric Theatre Monthly Report, pp.85-86**
 - E. Rescission of Federal-Aid Apportions**
 - Mr. Barry House, Transportation Research Engineer,**
Kentucky Transportation Center
 - Mr. Max Conyers, Manager of Transportation**
Planning, Division of Planning
 - F. Emerald Ash Borer**
 - Ms. Karen Angelucci, Chair, LFUCG Tree Board**
 - G. LFUCG Airport Board Update**
 - Mr. Robert Owens, Chair, LFUCG Airport Board**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Deed of Acceptance for a Dedicated Greenway under the Greenway Master Plan. (649-09) (Rayan/Webb)
This request will authorize a Deed of Acceptance for a dedicated greenway at property located at 177 Robinson Way in the Masterson Station Center – Citation Village & Greathouse Property. There is no budgetary impact for LFUCG.**p.20**
- B. Authorization of a Deed of Permanent Sanitary Sewer Easement at Property Located at 2550 Winchester Road for the Hamburg East Development. (660-09) (Rayan/Webb)
This request will authorize a Deed of Permanent Sanitary Sewer Easement at no cost by Cowgill Partners, LP to LFUCG for a 20-foot easement under and through a portion of property located at 2550 Winchester Road for the Hamburg East development. This easement will provide the Cowgill Property's sanitary sewer facilities with public sanitary sewer service.**p.21**
- C. Authorization of an Assignment of Scenic and Conservation Easements from LFUCG to the Fayette County Rural Land Management Board, Inc. by the Board of Directors of the Mary E. Wharton Nature Sanctuary of Floracliff, Inc. (671-09) (Van Pelt/Webb)
This request will authorize an Assignment of Scenic and Conservation Easements of three (3) easements assigned to LFUCG by the Mary E. Wharton Nature Sanctuary at Floracliff, Inc. to be assigned to the Fayette County RLMB, Inc. under the terms and conditions of the original easements. There is no budgetary impact.**p.22**
- D. Authorization of Change Order No. 1 to Contract with Schroeder Construction, Inc. for the Cadentown / Versailles Road Sanitary Sewer Improvements Project. (676-09) (P. King/Webb)
This request will authorize Change Order No. 1 to increase contract amount by \$119,819.49 with Schroeder Construction, Inc. for the Cadentown / Versailles Road Sanitary Sewer Improvements Project. This Change is for additional construction required to avoid underground utility facilities of which precise locations were not known and for the extension of the sanitary sewer collection system for future development. Original contract amount was \$696,637.75. New contract amount is \$816,457.24. Funds are budgeted.**pp.23-26**
- E. Authorization of an Agreement with Kentucky Utilities Company (KU) to Permit Attachment of Banner Equipment and Banners to KU Poles. (672-09) (Ebel/Rabold)
This request will authorize an Agreement to permit LFUCG to use KU poles within the boundaries of the Lexington-Fayette Urban County area for banners and for the banner installation equipment. Sponsors requesting

banners to be placed on KU poles will bear the cost of the banners and installation equipment. There is no budgetary impact for LFUCG.**p.27**

F. Authorization of a Resolution and a Bond Ordinance for the Issuance of Industrial Revenue Bonds (IRBs) for the Roman Catholic Diocese of Lexington. (667-09) (Wright/Kelly)

This request will authorize a Resolution and a Bond Ordinance for the issuance of IRBs up to \$20,490,000 for the Roman Catholic Diocese of Lexington for refunding outstanding revenue bonds previously issued by LFUCG for various capital projects and / or related items due to changes in market conditions. The bond issuance will be divided into three (3) Series; Mary Queen of the Holy Rosary Elementary for \$6,005,000; St. Elizabeth Ann Seton Elementary School for \$4,485,000, and Sts. Peter and Paul Elementary and Middle Schools for \$10,000,000 of which \$5,000,000 is new money to finance further expansion and renovation. This action was approved by the IRB Committee. There is no cost or liability to LFUCG.**p.28**

G. Authorization to Approve Ordinance and Local Participation Agreement with Krikorian Premiere Theaters for the Showprop Tax Incremental Financing (TIF) Development Project. (674-09) (Kelly)

This request will authorize the approval of an Ordinance and a Local Participation Agreement with Krikorian Premiere Theaters for the Showprop TIF Development Project for the development of an economic area known as the Showprop Lexington Development Area Project for certain infrastructure costs.**pp.29-42**

H. Authorization to Amend Lease for Commercial Office Space offered by MES Enterprises, LLC. (661-09) (Baradaran/Cole)

This request will authorize an amendment to adjust the rent from \$29,006.25 to a lump payment of \$22,790.62 for the period of December 1, 2009 through June 30, 2010 to a Lease for Commercial Office Space Top Floor – Triangle Center offered by MES Enterprises, LLC. The lump payment will be used to update the aging HVAC system. This will be a savings of \$6,214.40 for LFUCG.**pp.43-44**

I. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for use of Jesse Clark Elementary School Gymnasium. (668-09) (Hancock/Cole)

This request will authorize a Facility Usage Contract at a cost of \$4,001.30 with FCBE on behalf of the Division of Parks and Recreation Basketball Program for use of Jesse Clark Elementary School gymnasium from December 5, 2009 through March 13, 2010. Funds are budgeted.**pp.45-46**

- J. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for use of Yates Elementary School Gymnasium. (669-09) (Hancock/Cole)
This request will authorize a Facility Usage Contract at a cost of \$4,080 with FCBE on behalf of the Division of Parks and Recreation Basketball Program for use of Yates Elementary School gymnasium from December 5, 2009 through March 13, 2010. Funds are budgeted.**pp.47-48**
- K. Authorization of a Commonwealth of Kentucky Court of Justice Memorandum of Agreement (MOA) with the Administrative Office of the Court (AOC) on Behalf of the Department of Public Safety, Fayette County Detention Center (FCDC) (Division of Community Corrections). (657-09) (Bishop/Bennett)
This request will authorize a Commonwealth of Kentucky Court of Justice MOA at a cost not to exceed \$190,000 (\$131,000 for adults; \$26,600 for juveniles; and \$32,400 for families) with AOC on behalf of the FCDC to establish terms for urine testing of Fayette County drug court participants. Funds are budgeted.**p.49**
- L. Authorization of a Professional Services Agreement with Greenberg Traurig, LLP on Behalf of the Department of Public Safety, Division of Community Corrections. (662-09) (Bishop/Bennett)
This request will authorize a Professional Services Agreement in the amount of a firm fixed fee of \$45,000 with Greenberg Traurig LLP on behalf of the Division of Community Corrections to negotiate a price per diem rate contract with the US Marshals Service under the Detention Services Network Program for housing federal prisoners. The Agreement also includes the calculation of a stationary guard rate based on the "Jail Operating Expense Information" for allowable costs, projected costs and an administrative fee. Funds are budgeted.**p.50**
- M. Authorization of a Memorandum of Understanding (MOU) Emergency Medical Services with the Lexington-Fayette County Health Department on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (675-09) (Hendricks/Bennett)
This request will authorize a MOU Emergency Medical Services with the LFC Health Department on Behalf of the Division of Fire and Emergency Services to allow Fire Paramedics to administer influenza vaccinations in a public health emergency or crisis. This has been approved by the Emergency Medical Advisory Board and required by the Kentucky Board of Emergency Medical Services and the Kentucky Department of Public Health.**p.51**

- N. *Authorization of an Engineering Services Agreement with Strand Associates, Inc.® to Proceed with the Investigation / Design Services for Process and Control Improvements at Town Branch Waste Water Treatment Plant (WWTP), West Hickman WWTP and all Pump Stations Maintained by LFUCG. (663-09) (Martin/Taylor)
This request will authorize an Engineering Services Agreement in the amount of \$2,859,500 with Strand Associates, Inc.® to proceed with the investigation / design services for process and control improvements of electrical upgrades and construction administration once the design is completed at the Town Branch WWTP, West Hickman WWTP and all pump stations maintained by LFUCG under the **EPA CONSENT DECREE**. Funds are budgeted.**p.52**
- O. *Authorization of an Engineering Services Agreement with Kenvirons, Inc. to Proceed with the Dixie Pump Station Upgrade and Force Main Improvements Project. (664-09) (Martin/Taylor)
This request will authorize an Engineering Services Agreement in the amount of \$30,730 with Kenvirons, Inc. to proceed with the Dixie Pump Station Upgrade and Force Main Improvements Project to provide LFUCG with technical support necessary to successfully meet obligations and deadlines under the **EPA CONSENT DECREE**. Funds are budgeted.**p.53**
- P. *Authorization of an Engineering Services Agreement with BTM Engineering, Inc. to Proceed with the Deep Springs Pump Station Upgrade and Force Main Improvements Project. (665-09) (Martin/Taylor)
This request will authorize an Engineering Services Agreement in the amount of \$51,500 with BTM Engineering, Inc. to proceed with the Deep Springs Pump Station Upgrade and Force Main Improvements Project to complete design services and provide LFUCG with technical support necessary to successfully meet obligations and deadlines under the **EPA CONSENT DECREE**. Funds are budgeted.**p.54**
- Q. Authorization of a Release of Easement at Property Located at 2705 and 2709 Meadowsweet Lane for a Streetlight Easement. (666-09) (Askew)
This request will authorize a Release of Easement at property located at 2705 and 2709 Meadowsweet Lane for the release of a Streetlight Easement. The Divisions of Engineering, Water Quality and Traffic Engineering and the Department of Law have reviewed and approve this action. There is no budgetary impact for LFUCG.**p.55**
- R. Authorization of an Acquisition, Arbitration and Settlement Agreement by and among LFUCG, LFUC Airport Board, Elkhorn Bend, LLC and Wayne Murty. (678-09) (Askew)
This request will authorize an Acquisition, Arbitration and Settlement Agreement by and among LFUCG, LFUC Airport Board, Elkhorn Bend, LLC and Wayne Murty which resolves an eminent domain action filed by the Airport Board pertaining to the acquisition of certain real property in

which Elkhorn Bend, LLC and Wayne Murty have an interest. Parties have preliminarily agreed to resolve the matter with this Agreement. All cost associated with this property will be paid by the Airport Board. There is no direct or budgetary impact for LFUCG.**p.56**

- S. Authorization of Agreements with Direct Connect, LLC and Plug & Play Technologies on Behalf of the Department of General Services, Division of Parks and Recreation. (673-09) (O'Mara/Rumpke)
This request will authorize a Merchant Processing Application and Agreement with Direct Connect, LLC and an internet Gateway Account Agreement with Plug & Play Technologies at an approximate cost of \$2,000 for the Division of Parks and Recreation to accept payment of selected fees using the internet.**p.57**
- T. Authorization of a Memorandum of Understanding (MOU) by and between LFUCG, the Lexington-Fayette Urban County Housing Authority (LFUCHA) and REACH, Inc. regarding the 2005 HOPE VI Revitalization Project, Equestrian View Development. (677-09) (Helm)
This request will authorize a MOU by and between LFUCG, LFUCHA and REACH, Inc. regarding the 2005 HOPE VI Revitalization Project, Equestrian View Development. REACH, Inc. will serve as the certified lead housing agency responsible for counseling and assisting interested first-time homebuyers in the Equestrian View Development. Funding in the amount of \$85,000 shall be provided through the current Community and Supportive Services professional services agreement between LFUCHA and the Department of Social Services. Funding is from the US Department of Housing and Urban Development received by the LFUCHA under the 2005 HOPE VI Revitalization Grant.**pp.58-62**
- U. Authorization of a Purchase of Service Agreement (PSA) with Bluegrass State Games, Inc. (679-09) (Rabold)
This request will authorize a PSA in the amount of \$52,000 with Bluegrass State Games, Inc. for the purpose of organizing and executing the Bluegrass State Games. Funds are budgeted.**pp.63-66**
- V. Authorization of an Ordinance to Provide Roll Cart and Refuse Collection to Gess Property Chilesburg Units 2A, 2B, and 2C. (680-09) (Askew)
This request will authorize an Ordinance to provide roll cart and refuse collection to Gess Property Chilesburg Units 2A, 2B, and 2C by LFUCG and provides for an exception to Ordinance 16-4 to allow these Units collection containers instead of dumpsters.**pp.67-70**

***EPA CONSENT DECREE**